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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,633	08/20/2001	Gnanaprakasam Pandian	CIS0076US	6410

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EXAMINER

JUNTIMA, NITTAYA

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/933,633

Applicant(s)

PANDIAN ET AL.

Examiner

Nittaya Juntima

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,9,11-15,18,21 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 and 26 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,9 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the RCE filed on 10/26/2007.
2. Claims 1, 3-6, 8-9, 11-15, 18, 21, and 26 are pending.
3. Claims 11-15, and 26 are allowed.
4. Claims 1, 3-6, 8-9, and 21 are rejected under 35 U.S.C. 112, second paragraph.
5. Claims 1, 9, and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim Objections

6. Claims 3-5, 14, and 15 are objected to because of the following informalities:
 - in claims 3, 4, 5, line 4, and claim 6, line 1, “comprising the data” should be inserted after “message” to refer to the message in line 3 of claim 1, not the second message in line 23 of claim 1, and to make the claims more clear as both messages in lines 3 and 23 of claim 1 are received at the first network switch;
 - in claim 14, lines 13 and 15, “the network switch” should be deleted to put the claim in a better form;
 - in claim 15, line 2, “the step of creating the plurality of SVCs” should be inserted after “method” to make the claim more clear;
- line 5, “comprising the data” should be inserted after “message” to refer to the message in line 5 of claim 14, not the second message in lines 16-17 of claim 14, and to

make the claims more clear as both messages in lines 5 and 16-17 of claim 14 are received at the network switch.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-6, 8-9, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, since there is no relationship between the first modified message in line 11 and the second message in line 23, it is unclear how these two messages are related to each other and why they are being claimed together. Therefore, the claim is vague and indefinite. However, if the second message (the restart message 902 in Fig. 9B) is received at *the same interface* (i.e., the one of the plurality of the interfaces to the first network switch) as the message comprising the data (see line 3 of claim 1 which refers to the setup message) which is the original form of the first modified message, the claim should be rewritten to reflect this relationship.

In claim 9, since there is no relationship between the step of detecting a failure in line 11 and the step of generating a restart message in line 13, it is unclear how these two steps are related to each other. Therefore, the claim is vague and indefinite. However, the Office is interpreting that the restart message is generated in response to the detection of the failure. To overcome the rejection, the claim should be rewritten to reflect this relationship.

In claim 21, similar to claim 1, since there is no relationship between the first modified message in line 11 of claim 21 and the second message in line 13 of claim 21, it is unclear how these two messages are related in the claim to each other. Therefore, the claim is vague and indefinite.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nittaya Juntima
November 13, 2007



HUY D. VU
SUPERVISORY PATENT EXAMINER
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